

## REMARKS

### 1. Summary of Office Action

In the Office action mailed July 14, 2004, the Examiner objected to claim 14 for being dependent upon a dependent claim which is separated from claim 14 by a claim that does not also depend from said dependent claim. The Examiner rejected claim 14 under 35 U.S.C. §112, second paragraph, because there was insufficient antecedent basis for a limitation of claim 14. The Examiner rejected claims 1-6, 8, 9, 11-12, and 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,946,320 (Decker) in view of the Applicants' admitted prior art. The Examiner rejected claims 7 and 10 under 35 U.S.C. §103(a) as being unpatentable over Decker in view of the Applicants' admitted prior art, and further in view of U.S. Patent No. 6,646,993 (Davies et al.). The Examiner rejected claims 13-15 and 17 under 35 U.S.C. §103(a) as being unpatentable over Decker in view of Davies et al.

### 2. Amendments and Pending Claims

Applicants have amended claims 14 and 15 and have added new claims 18-20. Now pending in this application are claims 1-20 of which claims 1, 13, 16, and 17 are independent claims.

### 3. Response to Claim Objections

As noted above, the Examiner objected to claim 14 for being dependent upon a dependent claim which is separated from claim 14 by a claim that does not also depend from said dependent claim. Applicants have amended claim 14 to be dependent upon independent claim 13.

#### 4. Response to §112 Rejection

As noted above, the Examiner rejected claim 14 under 35 U.S.C. §112, second paragraph. Applicants have amended claim 14 to be dependent upon claim 13. Applicants submit that the claim limitation “the transport format combination indicator (TFCI)” of claim 14 now has a proper antecedent basis.

#### 5. Response to §103 Rejections

As noted above, the Examiner rejected (i) claims 1-6, 8, 9, 11-12, and 16 under 35 U.S.C. §103(a) as being unpatentable over Decker in view of the Applicants’ admitted prior art, (ii) claims 13-15 and 17 under 35 U.S.C. §103(a) as being unpatentable over Decker in view of Davies et al, and (iii) claims 7 and 10 under 35 U.S.C. §103(a) as being unpatentable over Decker in view of the Applicants’ admitted prior art, and further in view of Davies et al. The Applicants respectfully traverse the rejection of claims 1-17 because (i) the combination of Decker and the Applicants’ admitted prior art, (ii) the combination of Decker and Davies et al., and (iii) the combination of Decker, the Applicants’ admitted prior art, and Davies et al, fail to disclose or suggest the combination of elements recited in any of these claims.

In particular, the combination of Decker and the Applicants’ admitted prior art fails to teach “in response to an ACK signal from the reception side representing that normal data has been received, clearing at the *transmission side* the retransmitted data from a second storage unit” as recited in claims 1 and 16. (*Emphasis added*). Further, the combination of Decker and Davies et al. fails to teach “in response to an ACK signal from the reception side representing that normal data has been received, clearing the retransmitted data from a second storage unit at the *transmission side*” as recited in claims 13 and 17. (*Emphasis added*).

In rejecting claims 1, 13, 16, and 17, the Examiner indicated that Decker teaches in response to an ACK signal from the reception side representing that normal data has been received, clearing at the transmission side the retransmitted data from a second storage unit, and cited Decker Col. 2, Lines 6-11 in support. However, this section of Decker states "in case of positive acknowledgement (ACK) the transmitting of the packet is being completed and the *receiver storage* is cleared." (*Emphasis added*).

Since Decker merely teaches that receiver storage is cleared in response to an ACK signal, Applicants submit that (i) the combination of Decker and the Applicants' admitted prior art fails to teach "in response to an ACK signal from the reception side representing that normal data has been received, clearing at the transmission side the retransmitted data from a second storage unit" as recited in claims 1 and 16, and (ii) the combination of Decker and Davies et al. fails to teach "in response to an ACK signal from the reception side representing that normal data has been received, clearing the retransmitted data from a second storage unit at the transmission side" as recited in claims 13 and 17.

For these and potentially other reasons, claims 1, 13, 16, and 17 are allowable over Decker, Davies et al, and the Applicants' admitted prior art. Further, claims 2-12, 14-15, and 18-20 depend from either claim 1 or claim 13 and are also allowable over Decker, Davies et al, and the Applicants' admitted prior art.

**6. Conclusion**

In view of the above amendments, remarks and arguments, the Applicants respectfully submit that claims 1-20 are now in a condition for allowance, and respectfully request favorable reconsideration and allowance of the claims. If the Examiner would like to discuss this case, the Examiner is welcomed to contact the undersigned at (312) 913-2129.

Respectfully submitted,

Date: December 14, 2004

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